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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,554	09/19/2005	Ingo Kienke	026032-4923	3782
26371	7590	01/22/2008		EXAMINER
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			BARFIELD, ANTHONY DERRELL	
			ART UNIT	PAPER NUMBER
			3636	
			MAIL DATE	DELIVERY MODE
			01/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/549,554	KIENKE ET AL.
	<b>Examiner</b> Anthony D. Barfield	<b>Art Unit</b> 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 September 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) 1-16 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date 9/19/05

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c) **separate from the PCT application**. No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrases "in particular" and "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Objections***

4. Claims 1-16 are objected to because of the following informalities: The word "toothing" needs to be changed to either tooth or teething for clarity. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Klueling. Klueling shows a device (16,18,21,23,24) for blocking and adjusting the inclination of two components situated on a vehicle seat, comprising a first fitting part (10) which has a latch tooth (16) and a latch element (18) which has having a mating latch tooth (19), the latch tooth and the mating latch tooth being able to be brought into engagement and being able to be arrested in the engagement position by means of a clamping element (23) which is under the force of a torsion (spiral) spring (30), acts on the latching element and is movable counter to the force of the spring. The clamping element comprising a tooth (24) in which coupled to a toothed element (34) comprising a mating tooth. The force of the spring acting on the toothed element and acting indirectly on the clamping element via the teeth and mating teeth. Each of the clamping element, latching element, and toothed element pivot about (horizontal) parallel axes on second fitting part (11). The fitting part has a control contour (semi-circle) which corresponds to the control contour of the latching element (see Fig. 1). Klueling further shows the use of a fine teething (see Fig. 2) around a fastening element (25) of the clamping element.

7. Claims 1-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell. Bell shows a device (26,34,48,56) for blocking and adjusting the inclination of two components situated on a vehicle seat, comprising a first fitting part (14) which has a latch tooth (32) and a

latch element (34) which has having a mating latch tooth (36,38), the latch tooth and the mating latch tooth being able to be brought into engagement and being able to be arrested in the engagement position by means of a clamping element (48) which is under the force of a torsion (spiral) spring (64), acts on the latching element and is movable counter to the force of the spring. The clamping element comprising a tooth (36,38) in which coupled to a toothed element (60) comprising a mating tooth. The force of the spring acting on the toothed element and acting indirectly on the clamping element via the teeth and mating teeth. Each of the clamping element, latching element, and toothed element pivot about (horizontal) parallel axes on second fitting part (12). The fitting part has a control contour (semi-circle) which corresponds to the control contour of the latching element (see Fig. 4). Bell shows that the toothed element (60) comprising an inner (76) and outer ring (78) braced by the spring which is concentrically disposed therebetween. A molded part (120) is inserted in the clamping (between the inner and outer gears (52,54) has a profiled inner contour and has one end (122) for receiving a transmission rod (112).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 703-308-2158. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Barfield/  
Primary Examiner, Art Unit 3636

adb  
January 17, 2008